

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

AL McZEAL,

Plaintiff,

v.

EMC MORTGAGE CORP.,

Defendant.

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CIVIL ACTION NO. H-09-01490

ORDER

The plaintiff, Al McZeal has been a frequent pro se litigant in this district. As of March 2006, he had “filed on a pro se basis no fewer than seventeen civil lawsuits and bankruptcy proceedings.” *McZeal v. Fastmobile, Inc.*, No. H-05-3915, 2006 WL 801175 at *1, n. 1 (S.D.Tex. Mar. 28, 2006) (Atlas, J.). On June 31, 2007, in response to McZeal’s frequent filings, Judge Gilmore ordered:

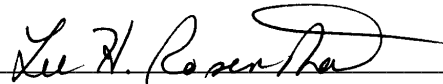
“McZeal, whether pro se or through attorneys acting on his behalf, is enjoined from filing any future cause of action, complaint, or original proceedings in the United States District Court for the Southern District of Texas without first obtaining written leave from the Chief Judge of the United States District Court for the Southern District of Texas.”

In re Preclusion Order, H-08-mc-00114 at *19 (S.D.Tex. Jun. 31, 2007). Judge Gilmore also ordered McZeal to attach a copy of her preclusion order to any request for permission that McZeal might submit to the Chief Judge. *Id.*

McZeal filed this suit against EMC Mortgage Corporation in state court and EMC removed it to this court. (Docket Entry No.1). McZeal’s motion to remand was denied. (Docket Entry No. 6). At the initial conference held before this court on September 24, 2009, McZeal admitted that he

had not received permission from Chief Judge Head to proceed with his lawsuit. Accordingly, his suit is dismissed without prejudice. McZeal may refile if he obtains permission to do so from Chief Judge Head within 60 days. If he chooses to seek permission, he must submit a copy of Judge Gilmore's preclusion order to the Chief Judge. If McZeal does not file by **November 24, 2009**, he will be precluded from pursuing this lawsuit.

SIGNED on September 24, 2009, at Houston, Texas.

A handwritten signature in black ink, appearing to read "Lee H. Rosenthal", is written over a horizontal line.

Lee H. Rosenthal
United States District Judge